

Matthew Kuolt

T.C.L.F.
398 Hwy 49 South
Hotanol, MS 38963
Plaintiff pro se

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAIIIn the United States District Court
for the District of Hawaii

JAN 18 2006

at 8 o'clock and 15 min. AM
SUE BEITIA, CLERKMatthew Kuolt
Plaintiffvs.
State of Hawaii
Dept of Public Safety
et al
Defendants

Civil No. 04-00489 HG-KSC

Plaintiffs Opposition to
Magistrate Granting Summary
Judgement for Defendantscomes now Plaintiff Matthew Kuolt pro se and
in forma pauperisPlaintiff declares under the penalty of perjury and
knowing that the foregoing is true and based on
fact and personal knowledge.Plaintiff Complaint stems from an assault
in which a 270 LB inmate slugged Plaintiff in
the side of his jaw breaking his jaw and causing
bleeding from ear and mouth and also causing
a prolonged period of confusion and disorientation and
serious pain as well as misalignment of teeth. Nerve damage.Plaintiff received superficial medical
examination and treatment on day of assault
and was after this superficial medical treatment
placed in (the hole) segregation and received
superficial treatment afterward up until about
14 days later. Because of continued complaints and
escalating pain he received an X-ray revealing
a fracture and also revealing that the fracture had
fused back together resulting in nerve damage and

malignment of Plaintiff's teeth as well as other complications stemming from the injury and the denial of a adequate medical treatment on the day of the Denial.

Plaintiff alleges reckless disregard and recklessness of failure in not providing emergency care on day of injury that could have and should have been done concerning a serious painful injury.

Plaintiff alleges Medical Unit and Doctor are not adequately trained and are not following rules and instruction regarding serious injuries as well as having demonstrated reckless disregard for emergency needs in the past on other patients who also filed lawsuits and also received Medical Unit.

Plaintiff alleges that any reasonable person let alone a Medical Doctor or medical personal would understand that a high probability existed and a certain likelihood that Plaintiff's Jaw was broken a good indication is that Blood was flowing from his Mouth and Ear.

Medical Doctor or and medical personal would understand that a high probability existed and a certain likelihood that without emergency treatment right away (setting of Bone) and other preventive medical treatment that this would result in future harm, permanent injury, misalignment of Jaw, nerve damage and or medical complications surgery from the denial of Emergency Care and Emergency treatment.

On day of assault Plaintiff could not adequately communicate his concern for the broken Jaw and his need for emergency care because of a concussion and confusion (dazed) on day of superficial medical treatment and day of assault.

Plaintiff Claims a Contingency injury & irrebuttable
to the denial of Emergency Care - and Defendants
Never adequately explained why the Doctor escaped
them in the face of a Serious injury.

This Conduct rises to the level of deliberate
indifference recklessness & indifference and deliberate
disregard to adequate Medical Care for a
Serious Observable painful injury and Plaintiff's
Claim reasonable that this Qualifies under

Estelle v. Gamble 97 S.Ct 285

Hunt v. Mental Dept 865 F.2d 198

Ash Lee v. Calif Dept of Corrections 112 F.3d 392

Jones v. Blanas 393 F.3d 918 at 918 # [1] Federal Courts 752

Plaintiffs arguments, Statements and Law
are support for his Opposition herein and may
the Honorable Judge will reconsider and deny
Defendants Motion for Summary Judgment
also Plaintiff prays the Honorable Judge will also
Consider all other Motions and Pleading from Plaintiff.

Respectfully Submitted

Matthew Kuszt

Matthew Kuszt
Plaintiff pro se

Date Jan 5, 2006

In the United States District Court
For the District of Hawaii

Matthew Kuolt
Plaintiff

vs.

State of Hawaii
Dept of Public Safety
et, al. Defendants

Cv. 04-00489-HG, KSC

Certificate of Service

Certificate of Service

There by Certify that a true and correct
copy of the foregoing document was duly served
by mail on the following at his last known
address via Mail postage pre paid.

Kendall Moser
425 Queen Street
Honolulu, Hawaii 96813
Deputy Attorney General
for Defendants

Date Jan-5, 2006 + Matthew Kuolt
Matthew Kuolt
Plaintiff Pro Se